



Jadlow 200.101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:	Rolf, Devon A.	:		JAN 22 2004
Serial No.:	09/721,120	:	Art Unit: 2681	Technology Center 2600
Filed:	November 22, 2000	:	Examiner: Nguyen, Huy D.	
Title:	System, Method and Device for Playing Recorded Music on a Wireless Communications Device	:		

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME  
CITED REFERENCE (37 C.F.R. Sect. 1.131)**

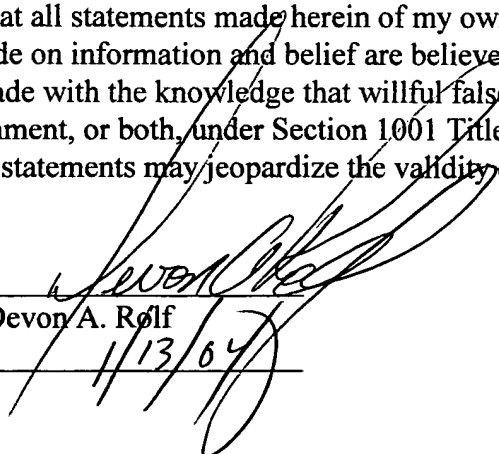
I, Devon A. Rolf, declare that:

1. I am the inventor of the invention(s) disclosed and claimed in United States Patent Application Serial No. 09/721,120, filed November 22, 2000, and entitled System, Method and Device for Playing Recorded Music on a Wireless Communications Device (hereafter "Patent Application"), which claims priority of a provisional patent application having serial number 60/167,179, filed November 23, 1999 (hereafter "Provisional Application").
2. I have reviewed United States Patent No. 6,192,340 to Abecassis., filed on October 19, 1999 and issued on February 20, 2001, entitled Integration of Music from a Personal Library with Real-Time Information (hereafter "Antedated Reference") which is being relied upon in a rejection of the claims in the Patent Application.
3. I conceived of the invention(s) claimed in the Subject Application before October 19, 1999, which is earliest filing date of the Antedated Reference (hereafter "Effective Date of the Antedated Reference").
4. I filed the Provisional Application, thereby reducing the claimed invention(s) to practice, on November 23, 1999, which is the earliest filing date of the Patent Application.
5. On information and belief, I was duly diligent from prior to said Effective Date of the Antedated Reference to the filing of the Provisional Application.

### FACTS AND DOCUMENTARY EVIDENCE

6. On February 5, 1999, prior to the Effective Date of the Antedated Reference, I filed a service mark application in the United States Patent and Trademark Office for the mark "JADLOW COMMUNICATIONS COMPANY, L.C." (hereafter "Trademark Application"). The Trademark Application recites a variety of services to be used with the service mark including, but not limited to, services associated with at least one of the invention(s) set forth in the Patent Application, namely, "providing, maintaining and managing a communications network for distribution of audio, video and data content."
7. On February 8, 1999, prior to the Effective Date of the Antedated Reference, I organized Jadow Communications Company, L.C., as a limited liability company in the State of Missouri, for the purposes of developing, holding and licensing intellectual property. Attached as Exhibit A is a copy of the Articles of Organization for Jadow Communications Company, L.C.. Attached as Exhibit B is a copy of the Certificate of Organization of Jadow Communications Company, L.C.
8. The intellectual property developed and held by Jadow Communications Company, L.C. includes the intellectual property set forth in the Patent Application, which has been assigned to Jadow Limited (Reel/Frame No. \_\_\_\_\_), whose name was changed from the said Jadow Communications Company, L.C.
9. Between a time from before the Effective Date of the Antedated Reference and the filing date of the Provisional Application, I worked on researching the invention(s) disclosed in the Patent Application and on preparing the Provisional Application. During this time, I was engaged in a full-time professional career unrelated to the present matter and worked on this matter in my spare time.
10. In view of the foregoing, it is believed that the invention(s) disclosed and claimed in the Patent Application were conceived prior to October 19, 1999, the Effective Date of the Antedated Reference, and that due diligence was exercised from before that Effective Date to November 22, 1999, the date of reduction to practice of the invention(s) and the filing date of the Provisional Application to which the Patent Application claims priority.

As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

  
Devon A. Rolf

Date: 11/13/04



# State of Missouri

Rebecca McDowell Cook, Secretary of State  
P.O. Box 778, Jefferson City, MO 65102  
Corporation Division

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## Articles of Organization

(Submit in duplicate with filing fee of \$105)

1. The name of the limited liability company is:

JADLOW COMMUNICATIONS COMPANY L.C.  
(Must include "Limited Liability Company," "Limited Company," "LC," "L.C.," "LLC," or "LLC")

Rebecca McDowell Cook  
SECRETARY OF STATE

2. The purpose(s) for which the limited liability company is organized: to develop, hold, and license intellectual property

3. The name and address of the limited liability company's registered agent in Missouri is:

DEVON A. ROLF, c/o SHOCK HARRY & HANCO LLP, 1200 MAIN ST, ST JOSEPH, MO 64505  
Name Street Address: May not use P.O. Box unless street address also provided City/State/Zip

4. The management of the limited liability company is vested in one or more managers. ☒ Yes ☐ No

5. The events, if any, on which the limited liability company is to dissolve or the number of years the limited liability company is to continue, which may be any number or perpetual:

Perpetual

6. The name(s) and address(es) of each organizer:

DEVON A. ROLF, 628 W. 70th TERRACE, KANSAS CITY, MO 64113  
REBECCA L. ROLF, same

7. For tax purposes, is the limited liability company considered a corporation? ☐ Yes ☒ No

8. The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows:

(Date may not be more than 90 days after the filing date in this office)

In Affirmation thereof, the facts stated above are true:

<u>Devon A. Rolf</u> (Signature)	<u>Devon A. Rolf</u> (Printed Name)	Organizer
<u>Rebecca L. Rolf</u> (Signature)	<u>Rebecca L. Rolf</u> (Printed Name)	Organizer
<u>Rebecca L. Rolf</u> (Signature)	<u>Rebecca L. Rolf</u> (Printed Name)	Organizer

# STATE OF MISSOURI



**Rebecca McDowell Cook**  
**Secretary of State**

**CERTIFICATE OF ORGANIZATION**  
**LIMITED LIABILITY COMPANY**

WHEREAS,

JADLOW COMMUNICATIONS COMPANY, L.C.

FILED ITS ARTICLES OF ORGANIZATION WITH THIS OFFICE ON THE  
8TH DAY OF FEBRUARY, 1999, AND THAT FILING WAS FOUND TO CONFORM  
TO THE MISSOURI LIMITED LIABILITY COMPANY ACT;

NOW, THEREFORE, I, REBECCA McDOWELL COOK, SECRETARY OF STATE,  
STATE OF MISSOURI, BY VIRTUE OF AUTHORITY VESTED IN ME BY LAW,  
DO CERTIFY AND DECLARE THAT ON THE 8TH DAY OF FEBRUARY, 1999,  
THE ABOVE ENTITY IS A LIMITED LIABILITY COMPANY, ORGANIZED IN  
THIS STATE AND ENTITLED TO ANY RIGHTS GRANTED TO LIMITED  
LIABILITY COMPANIES.

IN TESTIMONY WHEREOF, I HAVE SET MY  
HAND AND IMPRINTED THE GREAT SEAL OF  
THE STATE OF MISSOURI, ON THIS, THE  
8TH DAY OF FEBRUARY, 1999.

*Rebecca McDowell Cook*  
Secretary of State

\$105.00



EXHIBIT B